

GREENVILLE POLICE DEPARTMENT POLICY AND PROCEDURES MANUAL		
Sub Chapter 101	Drug-Free Workplace	
Date Initially Effective 10/01/99	By The Order Of: Hassan M. Aden, Chief of Police	
Date Revised 08/27/13	Date Reissued 08/27/13	Page 1 of 6

101.1.1 APPLICABILITY

The purpose of this policy is to provide all applicants and employees with notice of the provisions of the Department's drug testing program, and to ensure that the Greenville Police Department remains a drug free workplace.

Due to the critical mission of Greenville Police Officers, and the reliance by the citizens of the community upon this Department for law enforcement and general safety and protection, it is the policy of this Department to maintain a drug-free work environment through the use of an applicant, lateral transferee, critical incident, job assignment, and reasonable suspicion testing programs.

The Greenville Police Department and the City of Greenville have several uniquely compelling interests that justify the implementation of a drug-testing program. The public has a right to expect that those who are sworn to protect them are at all times both physically and mentally prepared to assume these duties. There is sufficient evidence to conclude that the use of controlled substances and other forms of drug abuse will seriously impair an employee's physical and mental health and, thus, job performance.

To ensure the integrity of the Greenville Police Department, protect the citizens of this community, and preserve public trust and confidence in our agency, this Department has a drug-testing program. This program is designed to detect prohibited drug use by employees.

101.1.2 DEFINITIONS

Drug Test

The compulsory production and submission of urine by an applicant, lateral transferee, or employee in accordance with Departmental procedures, for chemical analysis to detect prohibited drug use.

Reasonable Suspicion

An articulable belief that an employee used or is using illegal drugs drawn from specific and particularized facts and reasonable inferences from those facts.

101.1.3 PROHIBITED ACTIVITY

The following rules shall apply to all applicants and employees, while on and off duty:

- No employee shall illegally possess any controlled substances.
- No employee shall ingest any controlled or other dangerous substance, unless as prescribed by a licensed medical practitioner. No employee shall ingest any prescribed or over-the-counter medication in amounts beyond the recommended dosage. Any employee who unintentionally ingests or is made to

ingest, a controlled substance shall immediately report the incident to his supervisor so that appropriate medical steps maybe taken to ensure the officer's health and safety.

- Any employee having a reasonable basis to believe that another employee is illegally using or is in possession of any controlled substance shall immediately report the facts and circumstances to his supervisor.
- Employees shall notify their immediate supervisor when required to use prescription medicine that they have been informed has the potential to impair job performance. The employee shall advise the supervisor of the known side effects of such medication as well as the prescribed period of use. The supervisor shall document this information through the use of an internal memorandum and maintain this memorandum in a secured file. The original of this memorandum shall be forwarded up the chain of command to the Chief of Police. The employee may be temporarily reassigned to other duties if an appropriate reassignment exists.

101.1.4 DRUG TESTING

Applicant and Lateral Transferee

Applicants and lateral transferees applying for criminal justice officer positions shall be required to take a drug test as a condition of employment during the application process (but not more than sixty (60) days prior to the date of employment as a Greenville Police Officer). Applicants and lateral transferees shall be disqualified from further consideration for employment for refusal to submit to a required drug test or a confirmed positive drug test indicating drug use prohibited by this policy.

Employee Drug Testing

Greenville Police Officers and other employees will be required to submit to a drug test as a condition of continued employment in order to ascertain prohibited drug use in any case where there exists an individualized "reasonable suspicion" that the officer or employee uses or is using illegal drugs. Reasonable suspicion that an officer or employee uses or is using illegal drugs may be based upon, but not limited to:

- Observable phenomena, such as direct observation of drug use or possession and/or the physical symptoms of being under the influence of a drug;
- A pattern of abnormal conduct or erratic behavior, including abnormal leave patterns;
- Arrest or conviction for a drug-related offense, or the identification of an employee as the focus of a criminal investigation into illegal drug possession, use, or trafficking;
- Information provided either by reliable and credible sources or independently corroborated;
- Evidence that an employee has tampered with a previous drug test;
- Facts or circumstances developed in the course of an authorized investigation of an accident or unsafe working practice

Critical Incident

The Greenville Police Department reserves the right to test any employee involved in an accident or critical incident while on the job. It is the responsibility of the authorized supervisor to determine whether or not there is a need to test the employee for possible impairment at the time of the accident or critical incident.

Random Drug Testing

All sworn Greenville Police Department employees are subject to random drug testing by the department. Civilian employees who operate on a routine basis a Department vehicle or who are assigned to the Property and Evidence Unit are considered safety-sensitive personnel and shall be included in the Department's random drug testing pool. Special Investigations Unit personnel because of the nature of their position shall be subject to additional annual testing.

Annually, all employees shall have their assigned numerical identifier entered into a computer software system designated for the purpose of selecting a predetermined percentage from the total number of numerical identifiers entered. For random drug testing purposes, five percent (5%) shall be the predetermined percentage. Once a date has been selected, 5% of all employees shall be tested at least once annually or as otherwise determined by the Chief of Police. Employees who are randomly selected as part of the 5% to be tested are not exempt from future random testing and their numerical identifier will still remain in the pool for future random testing. Each employee shall have an equal chance of selection each time selections are made.

All Special Investigations Unit personnel shall be tested annually for drugs on a random and unannounced date, as determined by the Chief of Police or designee. This testing is separate from the Department-wide 5% random testing.

The Medical Review Officer shall serve as the Department's Administrator. The Administrator shall be responsible for ensuring that 5% of all personnel have been tested prior to December 31st of each calendar year. The Administrator shall also ensure that testing is done annually on all *safety-sensitive personnel* on a randomly selected date.

Once the date has been selected and the numerical identifier of each employee randomly selected for testing has been identified through the computer software system, then the Administrator shall notify the employees' supervisors. Once notified, the supervisor shall escort the employee(s) to the City's designated medical facility on the employee's next working day after receipt of notification. At no time shall the supervisor notify the employee in advance that they have been selected for random testing prior to the actual time testing is to take place.

101.1.5 SPECIMEN COLLECTION PROCEDURES

The testing procedures and safeguards provided in this policy to ensure the integrity of Department drug testing shall be adhered to by all personnel administering drug tests. The individual to be tested (hereinafter referred to as "donor") should be positively identified by presenting one of the following:

- NC driver's license
- Division of Motor Vehicles Identification Card
- Other government issued picture ID

The donor shall adhere to the following procedural steps:

- The donor will be required to complete an Applicant Consent Form and a completed Medication Information Form.
- The room where the sample is to be obtained must have been checked to ensure that it is private, secure, and free of any foreign substance.
- A toilet-bluing agent should be placed in the toilet bowl to ensure the donor does not use toilet water to dilute the specimen.
- The donor should be asked to remove any unnecessary outer garments such as a coat or jacket.
- All personal belongings such as a purse or briefcase should be left outside the collection room. A donor should be allowed to retain his/her wallet
- The donor should be instructed to wash and dry hands while under observation by the collector.
- The donor should be provided with a new and/or unadulterated specimen collection bottle/container. The donor should be instructed that a specimen of 60 milliliters or 2 ounces is necessary for urinalysis.
- The donor should be instructed while alone in the collection room he/she may not run any water (to include the washing of hands), flush the toilet, or handle anything else in the room.
- Donor enters the collection room and the collector stands outside the door. Collector should note on the Urine Specimen Collection Checklist if he/she hears any unusual activity.

The collector should:

- Receive the sample from the donor. Should the specimen need to be transferred from the collection container to other containers, the donor should make such transfer while under observation by the collector. The specimen should be kept in full view of both the collector and donor until it is sealed
- Check to see that a specimen of sufficient quantity is presented to the collector. If not, the specimen should be discarded and another specimen should be collected in a new container.
- If the specimen is of sufficient quantity, check the temperature of the specimen. Temperature must fall between 90.5 degree F – 99.8 degree F and from time of urination to temperature measurement shall not exceed four (4) minutes.
- Seal the specimen container and be sure that appropriate identification is added to the container's outer label(s); (i.e., name, social security number).
- Ensure that the specimen is appropriately safeguarded until such time as it is prepared for and delivered to the laboratory.
- Allow the donor to now wash his/her hands.

101.1.6 DRUG TESTING METHODOLOGY

The testing or processing shall consist of a two-step procedure; the initial screening test using an immunoassay testing method and confirmation test using gas chromatography/mass spectrometry (GC/MS method)

When the lab receives a urine sample, it will conduct an initial screening test to check for the presence of illegal drugs. This initial screening test involves using an immunoassay testing method. The drugs whose use shall be tested for shall include cannabis, cocaine, phencyclidine (PCP), opiates, or any other prescribed or non-prescribed drug use in violation of this policy to the extent that it impairs the officer's faculties. The threshold levels established by the Department of Health and Human Services for Federal Workplace Drug Testing programs are hereby adopted by reference and shall automatically include any later amendments and editions of said adopted matter.

The laboratory conducting the test must be certified for federal workplace drug testing programs, and must adhere to applicable federal rules, regulations and guidelines pertaining to the handling, testing, storage and preservation of samples.

Should the initial test produce a positive result for the presence of an illegal drug, the lab will automatically perform a second test. Known as a confirmation test, the second screening involves using a technologically different and more sensitive gas chromatography/mass spectrometry (GC/MS) testing method. The laboratory will report all test results directly to the Medical Review Officer (MRO).

Medical Review Officer

In order to provide to the greatest extent possible for the privacy and confidentiality of applicants and employees who are required to submit to drug testing, all laboratory results will be sent directly to the Medical Review Officer. All specimens reported by the laboratory as negative will in turn be reported to the agency by the MRO as negative.

With respect to confirmed positive results, the MRO;

- May conduct medical interviews with the applicant/employee;
- May review applicant/employee medical histories or any other biomedical factors;
- Shall review all medical records made available by the tested employee when a confirmed positive could have resulted from legally prescribed medication;

- May deem the results scientifically insufficient for further action and declare the result to be negative based on a review of such data or facts, as he may deem appropriate.

Chain of Evidence – Storage

Each step in the collecting and processing of the urine specimens shall be documented to establish procedural integrity and the chain of custody. Where a positive result is confirmed, urine specimens shall be maintained by the laboratory in secured, refrigerated storage for at least one year.

Confidentiality of Test Results

A positive result which the MRO justifies by appropriate medical or scientific documentation to account for the results as other than the intentional ingestion of an illegal drug will be reported as a negative result and may not be released for purposes of identifying illegal drug use. Records of the MRO shall only be released to the agency head or appropriate agency coordinator and, when necessary, to the North Carolina Criminal Justice Education and Training Standards Commission.

All records and information of personnel actions taken on applicants and veteran employees with verified positive test results shall be maintained in accordance with state and local personnel policies and procedures.

101.1.7 PROGRAM EDUCATION EFFORT

With the knowledge that education is a most powerful weapon in the effort to maintain a drug-free workplace, the Greenville Police Department is committed to providing all employees with an opportunity to receive a thorough drug and alcohol education program. This education program will be specifically targeted to two general employee groups: supervisors and non-supervisors.

A specific training effort for supervisors will emphasize drug detection skills, coaching and confrontation skills, legal documentation requirements and rehabilitative programs available, as well as general drug information.

The non-supervisory training program will concentrate on general drug information, the effects of drugs in the workplace, the employer rights and efforts to ensure a drug-free workplace, the rights of the employee, and programs available to those who need help.

The Greenville Police Department will provide on-going training for all employees. Instruction will be provided by both in-house training personnel and outside support services. To acquaint all new employees to their role in maintaining a drug-free workplace, they will receive training within 60 days of their date of hire.

101.1.8 REHABILITATION

The Greenville Police Department will endeavor to create a compassionate and supportive atmosphere which encourages individuals with alcohol and/or drug abuse related problems to seek help and become a more productive member of the workforce than ever before. It is believed that the primary responsibility for recovery lies with the individual. While the Greenville Police Department will support the employee in his or her efforts to recover, and facilitate his or her transition back into the workforce, continued drug and/or alcohol abuse will not be tolerated.

The Employee Assistance Program (EAP) provides professional assistance to help employees and their families resolve problems that may affect their personal lives or job performance. The City of Greenville uses a program made available through CIGNA Health Care to provide confidential professional counseling to troubled employees. Insurance contributes to the cost of treatments.

The Greenville Police Department will support the employee in his or her efforts to rehabilitate his or herself when treatment is initiated by the employee. The employees may be given an extended leave to receive in-patient care. Upon release to duty by a qualified professional, the employee will be required to sign a document which gives the

Greenville Police Department the right to request the employee to submit to periodic, random drug tests for up to 24 months after their return to work. The employee may be reassigned to another position, where possible, if the supervisor deems necessary. An employee in rehabilitation is still required to maintain acceptable work performance standards. A confirmed positive drug test result during the two years will result in immediate termination of that employee. In most cases, additional rehabilitation will not be supported for a second bout with drug or alcohol abuse which occurs within five years of the last self-referral. Termination of employment is probable.